

STATE OF MICHIGAN  
COURT OF APPEALS

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PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

LAWRENCE STACKER,

Defendant-Appellant.

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UNPUBLISHED

October 3, 1997

No. 195838

Ingham Circuit Court

LC No. 95-068376 FH

Before: Doctoroff, P.J., and Cavanagh and Saad, J.J.

MEMORANDUM.

After a jury trial, defendant was convicted of possession of cocaine over 50 grams but less than 225 grams. On this appeal of right, he contends that the evidence was insufficient to permit a rational jury to find his guilt established beyond a reasonable doubt.

Although defendant, in his own testimony at trial, disclaimed any knowledge of the presence of the cocaine in the vehicle, and no identifiable fingerprints were found on the plastic bag containing the cocaine, in addition to defendant's presence at the place where drugs are found, any one of various factors may be sufficient under given circumstances to establish the requisite direct or circumstantial connection necessary for conviction of a possession offense. *People v Wolfe*, 440 Mich 508, 520-521; 489 NW2d 748, modified 441 Mich 1201 (1992). Given that the plastic bag of cocaine fell out of the vehicle defendant was driving the moment the door was opened for defendant to exit and submit to arrest for driving on a suspended license, a rational jury could infer that defendant either deliberately dropped the cocaine, that it fell from his grasp, or that defendant had attempted to secret the cocaine in the vehicle but had dislodged it while exiting. For the cocaine to be in such a precarious position as to fall immediately on the door being opened, but yet for defendant not to have noticed its presence if it was left there by some third person, apparently strained the credulity of the jury, which was not bound to accept defendant's disclaimers. *Id.* at 518-519.

Affirmed.

/s/ Martin M. Doctoroff

/s/ Mark J. Cavanagh

/s/ Henry W. Saad